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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/812,359

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Youichi Zenda

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22907 7590 12/19/2006

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EXAMINER

ING, MATTHEW W

ART UNIT

PAPER NUMBER

3637

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS

12/19/2006

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/812,359

Applicant(s)

ZENDA ET AL.

Examiner

Matthew W. Ing

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 December 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 4,7,10 and 13-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 4,7,10 and 13-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 August 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

Drawings

1. The drawings are objected to under 37 CFR 1.83(b) because they are incomplete. 37

CFR 1.83(b) reads as follows:

When the invention consists of an improvement on an old machine the drawing must when possible exhibit, in one or more views, the improved portion itself, disconnected from the old structure, and also in another view, so much only of the old structure as will suffice to show the connection of the invention therewith.

The drawings fail to include any illustration of the structure, components, and operation of the endless track mentioned in the written description. See page 14, lines 14-16.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 4, 7, 10, and 13-18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

4. Claim 4 fails to recite sufficient structural elements and interconnection of the elements to positively position and define the means whereby the rear end side of the object is supported in the box body, so that an integral structure able to function as claimed is recited.

5. Regarding claim 4, this claim recites the limitation "in a manner movable along back and forth by a floor". The positive language of this limitation renders the claim indefinite, since it is unclear whether the term "floor" actually denotes a component of the claimed invention, or is merely included for illustrative purposes. For the purposes of examination, the examiner is

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considering that the term “floor” is not part of the claimed invention; but rather that it is merely included for illustrative purposes.

6. Claim 4 fails to recite sufficient structural elements and interconnection of the elements to positively position and define the means whereby the free motion rotating body is supported by the object, so that an integral structure able to function as claimed is recited. Claim 4 also fails to indicate how the object, having its front end side supported by the free motion rotating body, can simultaneously provide support to the free motion rotating body, as suggested by lines 7-10 of claim 4.

7. Claim 18 fails to recite sufficient structural elements and interconnection of the elements to positively position and define the means whereby the free motion rotating body makes a rolling movement at half traveling speed of the object, so that an integral structure able to function as claimed is recited.

8. Claims 7, 10, and 12-17 are considered indefinite since they depend from an indefinite base claim.

Claim Rejections - 35 USC § 103

9. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

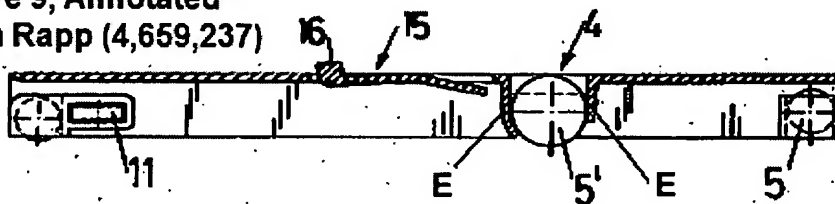
10. Claims 4, 13-15, and 18, as best understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over Rapp (4,659,237) in view of Ronda (EP 439,774).

11. Rapp teaches the structure substantially as claimed, including a structure wherein at least a rear end side of an object (1) is supported in a box body (Item C in Figure 1 Annotated) in a manner movable along back and forth and a front end side of the object (1) is supported in a

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manner movable along back and forth by a floor (6) at least through a rolling supporting body (4, 5') so as to draw the object forward from a stored position in the box body (C), and characterized by that the rolling supporting body comprises a free motion rotating body (5') whose upper end makes an abutting contact with a downward facing surface (2) of the object (1) and whose bottom end contacts the floor (6), and the free motion rotating body (5') supports the front end side of the object by making a rolling movement; wherein the free motion rotating body (5') is supported by the object (1) in a manner capable of being suspended through a rail (2) and a rotor (5); wherein the rail (2) is connected to the downward facing surface of the object (1); wherein the rolling supporting body (4, 5') further comprises a bracket (4); wherein the free motion rotating body is supported by retaining means (Item E in Figure 9 Annotated); wherein the bracket (4) is connected to the rotor (5) and the rotor engages the rail (2); wherein the object (1) is a drawer (1) arranged at the lowest part of the box body (Item C in Figure 1 Annotated), said box body being a drawer storage portion. The examiner points out that, due to basic physics, the free motion rotating body (5') will obviously move at a half traveling speed of the object (1) when said object is moved horizontally.

Figure 9, Annotated
From Rapp (4,659,237)



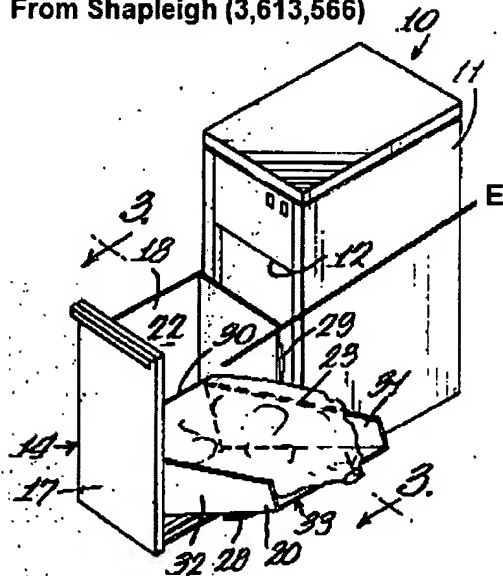
12. The only difference between Rapp and the invention as claimed is that Rapp fails to teach a structure wherein an axis is connected to the bracket and the axis supports the free-motion rotating body; and wherein the width of the free motion rotating body exceeds one third of a width of the drawer.

14. Whereas the retaining means of the structure of Rapp and the retaining means taught by Ronda are equivalent alternative structures for accomplishing similar purposes, it therefore would have been obvious to one of ordinary skill in the art to replace the retaining means of the structure of Rapp with the retaining means taught by Ronda in order to reduce extraneous movement by the free-motion rotating body; and to replace Item C of Figure 1 Annotated with a drawer storage portion of a desk in order to provide structural support to a desk drawer while preserving the horizontal mobility thereof; and it would have been an obvious design consideration to one of ordinary skill in the art to modify the free motion rotating body of the structure of Rapp, by increasing its width to half the width of the drawer, depending on the

desired needs of the person constructing the free motion rotating body (e.g., intended use of the free motion rotating body, need for structural support, compactness, ease of manufacture, etc.), thereby providing the structure substantially as claimed.

15. Additionally, whereas the utilization of structures such as that taught by Rapp in desks with drawers is well-known in the art – see, for example, Grieser (5,785,400), Gutner (4,305,625), Brodbeck (2,327,761), and Harmon (2,950,158) – it would have been obvious to replace Item C of Figure 1 Annotated with a drawer storage portion of a desk in order to provide structural support to a desk drawer while preserving the horizontal mobility thereof, thereby providing the structure substantially as claimed.

Figure 2, Annotated
From Shapleigh (3,613,566)



16. Claims 16 and 17, as best understood, can be alternately rejected under 35 U.S.C. 103(a) as being unpatentable over Rapp (4,659,237) in view of Ronda (EP 439,774), further in view of Shapleigh (3,613,566). Rapp and Ronda teach the structure substantially as claimed, including a drawer (1) arranged at the lowest part of the drawer storage portion (Item C in Figure 1

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Annotated); the only difference being, Rapp and Ronda fail to teach a drawer that has an arrangement in which each upper part of three sides of a bottom wall is surrounded by a standing wall and an upper part of one side thereof that is orthogonal to a direction accessible to an article to be stored is open. Shapleigh, however, teaches a drawer (22) that has an arrangement in which each upper part of three sides of a bottom wall (21) is surrounded by a standing wall (17, 18, 19) and an upper part of one side (Item E in Figure 2 Annotated) thereof that is orthogonal to a direction accessible to an article to be stored is open. It would have been obvious to one of ordinary skill in the art to replace the drawer in the structure of Rapp with the drawer taught by Shapleigh in order to provide easier access to the objects contained within said drawer, thereby providing the structure substantially as claimed.

Allowable Subject Matter

17. Claims 7 and 10 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Response to Arguments

18. Applicant's arguments filed 1 November 2006 have been fully considered but they are not persuasive.

19. Applicant's arguments with respect to claim 4 have been considered but are moot in view of the new ground(s) of rejection.

20. Whereas applicant has amended claim 4 to include the limitation "wherein an axis is connected to the bracket and the axis supports the free motion rotating body"; and whereas this

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feature is taught by Ronda (EP 439,774), claim 4 has been rejected under Rapp (4,659,237) in view of Ronda.

21. Applicant's arguments & amendments to the claims fail to address the drawing objection mentioned in Item 9 of the original Office Action; as well as the rejections under 35 USC 112 mentioned in Items 34, 37, and 43. As such, these objections and rejections have been maintained. The remainder of the drawing objections, objections to the specification, rejections under 35 USC 112, and the rejection under 35 USC 101 are rendered moot by applicant's amendments to the specification & claims. As such, these objections and rejections are withdrawn.

Conclusion

22. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

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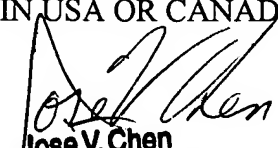
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew W. Ing whose telephone number is (571) 272-6536.

The examiner can normally be reached on Monday through Friday, 7:30 am - 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on (571) 272-6867. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MWI 
13 December 2006


Jose V. Chen
Primary Examiner